Agenda Item No. 3. /
For Agenda of July 11, 2006



Tigard City Council Meeting Minutes

Date:

June 13, 2006

Time:

7:30 p.m.

Place:

Tigard City Hall, 13125 SW Hall Boulevard

Tigard, Oregon

Attending:

Mayor Craig Dirksen Presiding

Councilor Sally Harding Councilor Sydney Sherwood Councilor Tom Woodruff Councilor Nick Wilson

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session	City Manager Prosser advised that an Executive	
,	Session will be needed at 6:00 p.m. on June 20 to	
	discuss potential litigation.	
	and the state of t	
	> City Manager Prosser did not receive the tabulated	
	results of the forms completed by Council and staff	
	for his performance evaluation. Council decided to	
	delay the review until June 27 to give City Manager	
	Prosser time to review this information.	
	Cir Maria Di La	
	City Manager Prosser noted that representatives	
	from the Friends of Bull Mountain were asking for	
	information regarding what would be discussed at	
	the meeting on June 20 with regard to the	
•	incorporation of a city on Bull Mountain. He advised that more information would be provided to	
	the Council on Wednesday and then this	
	information would also be sent to the "Friends" by	·
	the end of the day on June 14.	
	die end of the day on faile 11.	
	> Briefing on Emergency Exercise	
	Staff Presenter: Program Assistant Lueck	
	Mr. Lueck updated the Council on the "TipOff"	
	Regional Emergency Exercise to be conducted from	
	8:00 a.m. to 2:00 p.m. on Wednesday, June 14. He	
	advised that the exercise would include jurisdictions	
	in Washington and Columbia Counties as part of a	

Agenda Item	Discussion & Comments	Action Items (follow up)
0	large terrorism response exercise. Details of the individual incidents were not released ahead of time so the exercise can be as realistic as possible. TipOff is a prelude to a national "TopOff" exercise planned for 2007, which will "test the resolve" of top officials in Washington, D.C., two states, and Guam. Mr. Lueck distributed information regarding who was playing the exercise, where it would take place, the goals of the exercise, how it is funded and media coverage. He also discussed safety precautions and who to call if there were questions. An announcement would be made to the public during the business portion of the meeting which will be Cablecast.	
	> Entry signs Assistant to the City Manager Newton discussed with the City Council the proposed drawings of entry signs. Council members described their preferences, including preferred sign materials and design. Signs will be sized according to the site where they will be located. Assistant to the City Manager Newton has the preferred drawing with the changes noted. Locations were also discussed including sites at each end of Pacific Highway and the Bridgeport area, as well as a future site - the Walnut/Murray Blvd. connection. The initial focus will be on these four locations and more information will be brought back to the Council. Staff will verify the amount of funds budgeted for this year.	
	> Discuss City Center Advisory Commission (CCAC) Changes	
	Recently there was action by the CCAC membership to vote on a new chair for the group. The process followed was of concern to several members and several resignations were submitted. There was Council discussion on what should be done at this point; i.e., whether to accept the resignations and how to proceed with the group at this point. There was some discussion by Council about whether the CCAC should be dissolved and have the duties of the CCAC be covered by the Planning Commission,	

Agenda Item	Discussion & Comments	Action Items (follow up)
	which would give an opportunity for by-laws to be	(-0-0
	written for this group. Councilor Wilson noted that	
	he had been inclined towards dissolving the current	
	CCAC. He noted his appreciation for the group	
	getting through the election. He said he was unclear	
	about what the substantive issues were among the	
	CCAC members. He noted a need to understand	
	the issues. Councilor Sherwood and Mayor Dirksen	
	also noted that their first reaction was to support	
	dissolving the CCAC. Councilor Woodruff said the	
	events were unfortunate, noting that all of the	
	members were good people and that the CCAC has	
	the right to choose its leadership. He said his	
	concern was that there is a split among these people	
	who have been dedicated to the city. He said this is	
	unfortunate and it will take wisdom to resolve the	
	situation.	
	There was consensus by Council that this should be	
	scheduled for a discussion when there is more time	
	to devote to the subject. Councilor Harding advised	
	she had not responded with any comments on the	
	situation as she did not feel she was fully aware of	
	what had occurred. She noted the importance of	
	talking to everyone to determine the circumstances.	
	After discussion, and at the suggestion of City	
	Manager Prosser, it was decided that Joe Hertzberg,	
	facilitator and mediator, will be contacted to see if	
	he would be available to talk to the CCAC members.	
	Councilor Sherwood said that the correction of a	
	mistake needs to be made; bylaws need to be drawn	
	up to give the CCAC direction. Interim Community	
	Development Director Coffee noted that if the	
	CCAC responsibilities are transferred to the	
	Planning Commission that there would be a	
	learning-curve timeframe and he advised that the	
	implementation strategy decisions are coming up	
	soon. The CCAC is looking at design guidelines and	
	regulations which would go to the Planning	
	Commission. Mayor Dirksen noted the need to	
	have a better understanding of the issues before a	
	decision is made. Councilor Harding advised that	
	she was unclear as to why some had resigned and	
	what the issues were. Although she did mention	
	that it appeared that some members had differing	
	views on the larger vision. She noted that perhaps	

Agenda Item	Discussion & Comments	Action Items (follow up)
	Comments	Action Items (follow up)
1. Business Meeting	1.1 Mayor Dirksen called the City Council, Local Contract Review Board, and City Center Development Agency to order at 7:37 p.m.	
	1.2 Present: Mayor Dirksen; Councilors Harding, Sherwood, Wilson, And Woodruff.	
	1.3 Pledge of Allegiance	
	1.4 Council Communications & Liaison Reports	
	Councilor Harding updated the City Council on a recent Washington County Coordinating Committee (WCCC) meeting at which time funding options were discussed for the MTIP. A county-wide gas tax was discussed; no decisions were made and further discussion will occur at the next WCCC meeting. She asked City Council members to be thinking about what the City of Tigard's position would be with regard to a county-wide gas tax. Councilor Harding said she did not think a gas tax would raise enough revenue to cover the broad-based needs. She said some creative solutions are needed, such as project phasing and seeking input from voters. The City Council will discuss this item further at an upcoming meeting. Councilor Wilson reminded the City Council that the Transportation Financing Strategies Task Force is considering recommending a local gas tax.	
	Councilor Harding noted the City of Tigard will also need to weigh in on a recommendation for the regional JPACT projects. She noted a new project list has been prepared. Better forecasting information is needed with regard to future growth. She asked City Council members to contact her with comments on the project list.	
	Councilor Sherwood reported she represented the City earlier today at an affordable housing project event for Greenburg Oaks. She received a plaque, which she gave to Mayor Dirksen. The plaque thanked the City of Tigard for its assistance to affordable housing. Tigard is one of	

Agenda Item	Discussion & Comments	Action Items (follow up)
	the few cities to give fee waivers and other assistance to affordable housing. The housing project at Greenburg Oaks was a \$3.3 million renovation and Councilor Sherwood reported that the results are "incredible."	(-525.1. 3p)
	Councilor Woodruff advised that negotiations were successfully concluded for a ten-year contract to purchase water from the City of Portland. This contract will provide a source of water while we are working on other long-term water sources. City Manager Prosser advised the City of Portland organized a signing ceremony last week at Portland City Hall. Mr. Prosser attended the signing on behalf of the City of Tigard. Once Mayor Potter's signature is obtained on the contract, City of Tigard will receive the signed agreement. Councilor Woodruff thanked Public Works Director Koellermeier for the work he did in securing this contract.	
	1.5 Call to Council and Staff for Non-Agenda Items: None.	
2. Citizen Communication	No one signed up to speak from the audience.	
	City Manager Prosser gave a follow-up report on the Fifth Tuesday meeting. A copy of the staff response is on file in the City Recorder's Office.	
3. Consent Agenda	Mayor Dirksen reviewed the items on the consent agenda. Councilor Harding noted that she had contacted the City Recorder regarding two changes for the May 16, 2006 council minutes. On page 10, the minutes reference that "it was suggested that this seems to be a band-aid approach and the entire picture should be reviewed." Councilor Harding advised that the statement was one that she had made and she would prefer that the records reflect that she had suggested this. A second request was made for Councilor Harding's comment on the	Motion by Councilor Wilson, seconded by Councilor Sherwood, to approve the consent agenda, with the changes to the minutes as noted during discussion. The motion was approved by unanimous vote of Council present. Mayor Dirksen Yes
	excellent job that the Public Works staff had done with regard to securing the long term water contract with the City of Portland. (City Recorder's note:	Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes

Agenda Item	Discussion & Comments	Action Items (follow up)
	This comment was made during the May 23, 2006, City Council meeting and will be reflected in the minutes to be submitted to the City Council for review on June 27, 2006.)	
	 3.1 Approve Council Minutes for April 25, May 9, and 16, 2006 3.2 Receive and File: a. Council Calendar b. Tentative Agenda c. Fifth Tuesday Meeting Notes from May 30, 2006 d. Canvass of Votes for Measure 34-114 (City Center Urban Renewal Plan and Tax Increment Financing 3.3 Adopt a Resolution Approving Budget Amendment #13 to the FY 2005-06 Budget to Increase Appropriations in the City Attorney Division – Resolution No. 06 –32 	
	RESOLUTION NO. 06-32 – A RESOLUTION APPROVING BUDGET AMENDMENT #13 TO THE FY 2005-06 BUDGET TO INCREASE APPROPRIATIONS IN THE CITY ATTORNEY DIVISION	
	 3.4 Forward the Urban Renewal Plan to the City Center Development Agency 3.5 City Center Development Agency (CCDA): a. Direct Staff to take Action to Record the Urban Renewal Plan 3.6 Local Contract Review Board: a. Award Contract for Construction of Hall Boulevard Sidewalk (at Bonita Road) 3.7 Approve Tigard's Share of the Storm Debris Dewatering Facility 	
4. Meridian Park Hospital Presentation on Community Resources and Outreach	Allyson Anderson, Meridian Park Hospital Administrator, reviewed the services offered by this medical facility. Ms. Anderson described how the hospital is attempting to provide expanded services so people do not have to leave their community for needed medical services.	

Agenda Item	Discussion & Comments	Action Items (follow up)
5. Briefing on	Emergency Management Coordinator Lueck	**
Emergency	reviewed a PowerPoint presentation which is on file	
Response	in the City Recorder's Office. (Please see study	
Exercise	session discussion for further information on the	
Scheduled for	TipOff regional exercise for June 14, 2006.)	
June 14		
	Part of the exercise will be held in one of the Tigard	
	neighborhoods. Flyers regarding this activity have	
	been distributed to all of the homes. After the	
	exercise, a questionnaire will be distributed to the	
	affected residents asking them for their input with	
	regard to how they perceive the exercise was	·
	conducted.	
	(City Decorder's note: Accede Terre NI - 11	
	(City Recorder's note: Agenda Item No. 11 was heard out of order at this time.)	
	incard out of order at this time.)	
11. Approval of	Mike Jordan, Metro's Chief Operating Officer, was	Motion by Mayor Dirksen,
Construction	present to discuss this matter with the City Council.	seconded by Councilor
Excise Tax	Metro has requested that the Council approve an	Woodruff to approve the
Intergovern-	Intergovernmental Agreement specifying that the	Construction Excise Tax
mental Agree-	City collect and remit to Metro an excise tax	Intergovernmental Agree-
ment to Collect	assessed on new development. The construction	ment to Collect and Remit
and Remit Tax	excise tax would fund concept and comprehensive	Tax Between Metro and the
Between Metro	planning associated with the needs for the 2002 and	City of Tigard and Authorize
and the	2004 urban growth boundary expansions. A tax	the City Manager to sign the
City of Tigard	equal to .12% of the total valuation of building	Intergovernmental
	permits will be assessed by Metro and collected by	Agreement.
	jurisdictions within the Metro region.	-
		The motion was approved
	There are some exemptions and limitations to this	by a majority of Council
	tax that will provide relief to some applicants.	present.
	Projects with valuations of \$100,000 and less are	
	exempt as well as corporations exempt from federal	Mayor Dirksen Yes
	income tax and certain low income housing and	Councilor Harding Yes Councilor Sherwood No
	charitable services. There is also a maximum ceiling	Councilor Wilson Abstained
	of \$12,000 that can be collected. Projects valued at	Councilor Woodruff Yes
	\$10 million and above would be assessed a flat fee	
	of \$12,000. This tax will sunset when the total amount collected in the Metro region reaches an	
	amount equal to \$6.3 million, which is expected to	·
	take approximately three years. After that amount is	
	collected the tax will be rescinded. Under the terms	
	of the Intergovernmental Agreement local	
	jurisdictions will retain 5% of the tax collected to	
	cover the cost of administration.	
L	1	1

Agenda Item	Discussion & Comments	Action Items (follow up)
		present.
		Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes

atherine Wheatley, City Recorder

Attest:

Mayor, Lity of Tigard

Date: 7.11.06

Agenda Item	Discussion & Comments	Action Items (follow up)
	In response to a question from Councilor Wilson regarding what would occur if the jurisdiction did not vote to take part by collecting the tax for Metro, Mr. Jordan advised that people would still have to pay the fee but would have to travel to Metro to pay it. Councilor Wilson noted his disagreement with Metro insofar as Metro did not seek input from the partners on this particular fee. He cited usurping of local planning authority and once again, local jurisdictions are charged with carrying out the edicts of Metro. Councilor Harding noted that forums have been held with Metro on similar local issues that jurisdictions are experiencing. She noted that it is good Metro is now starting to address and listen to the concerns of local governments. Councilor Woodruff said he was glad there was a limit on the amount of dollars that will be collected with the tax and was also supportive of the sunset clause on the tax. Councilor Sherwood noted a similar effort for a real estate tax transfer tax in Washington County and the lack of support for such a fee.	
	Mayor Dirksen noted that the City had been prepared to do the planning for Areas 63 and 64 and now it looks as if the City will be paying for this anyway. Councilor Woodruff suggested that a sign be placed on the counter making it clear that the excise fee is a Metro fee. Mr. Jordan acknowledged the concerns expressed by the Council members and noted that they were not alone, as other jurisdictions have expressed similar concerns. He advised that this would accomplish a public purpose in providing planning services for these urban growth areas. He said Metro must look at how to accommodate growth and plan for infrastructure. Councilor Harding noted her desire to continue to push towards partnership with Metro and local jurisdictions.	
12. Public Hearing (Quasi- Judicial) to Consider	At this time Mayor Dirksen announced that Agenda Item No. 12, Public Hearing to Consider the Pelissier Property Annexation has been withdrawn by the applicant and therefore this item will not be	

Agenda Item	Discussion & Comments	Action Items (follow up)
Pelissier Property Annexation (ZCA2006- 10001)	heard. The Intergovernmental Agreement between the City of Tigard and Washington County will lapse and it appeared to the applicants that they could develop the property with one more lot than they could under City Code. They will take their development application to the County.	
6. Community Investment Program for FY 2006-2007	Mayor Dirksen opened the public hearing. City Engineer Duenas presented the staff report and a PowerPoint presentation which is on file in the City Recorder's Office. Mr. Duenas reviewed the Community Investment Program formulation process, major program areas, major projects for the upcoming fiscal year and how the final project lists were determined. There was a question on the pedestrian bridge which is being done by ODOT with the City of Tualatin overseeing the project. There has been some information that there was another project cost overrun and the Tigard City Council has not been briefed on this. Mayor Dirksen said that the Community Investment Program has improved over the years and he complimented the staff on their work. Councilor Harding noted that the Tigard Triangle Local Improvement District was being shown as "approved" on the list. After discussion, City Engineer Duenas confirmed that the Local Improvement District for the Triangle has not been approved and that the language will be clarified before the Community Investment Program document is published. Councilor Woodruff commented for the benefit of the viewing public, that the Community Investment program can be viewed on the City's website. Public Testimony: No one signed in to speak. Staff Recommendation: Staff recommended the City Council approve the 2006-2007 Community Investment Program and for it to be effective July 1, 2006. Mayor Dirksen closed the public hearing.	Motion by Councilor Sherwood, seconded by Councilor Woodruff, to approve the Community Investment Program for 2006- 2007, making a note of the correction to the error in the document stating that the Tigard Triangle Local Improvement District had been approved. The motion was approved by unanimous vote of Council present. Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes
	,	

Agenda Item	Discussion & Comments	Action Items (follow up)
	Park Committee who were in attendance, advising that the Council had, by approving the Community Investment Program list, also approved the Skate Park funding. Rich Carlson, Chairman of the Skate Park Task Force, was present and advised that they have applied, through the City, for a \$150,000 grant. Recently, members of the Skate Park Task Force testified before the state agency considering the grant proposals and Mr. Carlson said he thought the testimony went well. He advised that notification regarding the grant will be issued in mid-July.	
7. Public Hearing – Consider A Resolution Certifying that the City of Tigard Provides Services Qualifying for State Shared Revenues	Mayor Dirksen opened the Public Hearing. Finance Director Sesnon presented the staff report. Before the City Council was a Resolution which certified that the City of Tigard provides certain services, making the City eligible to receive State shared revenues. Public Testimony: There was none. Staff Recommendation: Staff recommended approval of the proposed resolution. Mayor Dirksen closed the Public Hearing. Resolution No. 06-33 – A Resolution Certifying that the City of Tigard Provides Services Qualifying for State Shared Revenues	Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 06-33. The motion was approved by unanimous vote of Council present. Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes
8. Public Hearing - A Resolution Declaring the City's Election to Receive State Revenues	Mayor Dirksen opened the Public Hearing. Finance Director Sesnon presented the staff report. Before the City Council was a proposed resolution declaring the City's election to receive state revenue sharing funds. Approval of the resolution would secure \$328,400 of revenue for the general fund. Public Testimony: There was none. Staff Recommendation: Staff recommended approval of the proposed resolution. Mayor Dirksen closed the public hearing. Council Discussion: Councilor Woodruff advised that this is not "surprise revenue." Finance Director Sesnon confirmed that the state requires the	Motion by Councilor Wilson, seconded by Councilor Harding, to approve Resolution No. 06-34. The motion was approved by unanimous vote of Council present. Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes

Agenda Item	Discussion & Comments	Action Items (follow up)
	adoption of a resolution in order to receive this funding.	1/
	Resolution No. 06-34 - A Resolution Declaring	
9.A Resolution of the City of Tigard Adopting the Budget, Making Appropriations, Declaring the Valorem Tax Levy, and Classifying the Levy as Provided by ORS 310.060(2) for Fiscal Year 2006-07	Resolution No. 06-34 – A Resolution Declaring the City's Election to Receive State Revenues Mayor Dirksen opened the Public Hearing. Finance Director Sesnon presented the staff report. Oregon local budget law requires that a budget for the following fiscal year be adopted by the Council prior to July 1, after approval by the Budget Committee and after a public hearing has been held before the City Council. A PowerPoint presentation was viewed by the City Council; a copy is on file in the City Recorder's Office. On May 15, the Budget Committee approved the proposed budget with amendments and forwarded the budget to the City Council for adoption. Council had before it a Schedule of Appropriations reflecting amendments along with minor adjustments and transfers between funds that were necessitated by changes in the City's Cost Allocation Plan to implement the Budget Committee's amendments. The total FY 2006-07 City of Tigard budget will be \$77,738,518. Public Testimony: Mark Haldeman, Budget Committee Chair, advised that this is his third year on the Budget Committee. Mr. Haldeman said that the Budget Committee is not a "rubber stamp"	Motion by Councilor Sherwood, seconded by Councilor Woodruff, to adopt Resolution No. 06-35. The motion was approved by unanimous vote of Council present. Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes
	committee." He noted that throughout the process pointed questions were asked of the department managers as the various department budget requests were reviewed. Mr. Haldeman thanked the city staff, and especially noted Finance Director Sesnon, Financial Operations Manager Imdieke, Management Analyst Wareing, and Sr. Admin. Specialist Denny. The staff recommendation was to approve the resolution before the City Council which would adopt the budget, make appropriations, declare the valorem tax levy, and classify the levy as provided by ORS 310.060(2) for fiscal year 2006-07. In response to a question from Councilor	

Agenda Item	Discussion & Comments	Action Items (follow up)
	Woodruff, Finance Director Sesnon advised that the proposed budget represented a 5.1% increase in operations.	
	Councilor Wilson commented on the Budget Committee review process. He noted for the benefit of the public that the Budget Committee held extensive meetings during the month of May. He noted that these meetings are public meetings and said that citizens were encouraged to attend and comment during the budget process.	·
	Mayor Dirksen closed the public hearing.	
	Resolution No. 06-35 – A Resolution of the City of Tigard Adopting the Budget, Making Appropriations, Declaring the Valorem Tax Levy, and Classifying the Levy as Provided by ORS 310.060(2) for Fiscal Year 2006-07	·
	City Manager Prosser noted his appreciation for the Budget Committee and thanked the members present, Mark Haldeman and Jason Snider for their time spent. He thanked Finance Director Sesnon for the work he did on the preparation of the budget, noting that he was new to the City, having only arrived in February. He said he also appreciated the efforts of Financial Operations Manager Imdieke, Management Analyst Wareing, and Sr. Admin. Specialist Denny.	
10. Consider a Resolution	Management Analyst Wareing presented the staff report. The City Council annually reviews fees and	Motion by Councilor Woodruff, seconded by
Adopting the Citywide Master	charges. The Master Fees and Charges Schedule contains all citywide fees and charges and is updated	Councilor Sherwood, to adopt Resolution No. 06-36.
Fees and Charges Schedule, Which Replaces	each June. The purpose of this schedule is to streamline the review process, have one document that contains all fees and charges, and minimize the number of resolutions and ordinances relating the	The motion was approved by unanimous vote of Council present.
Resolution No. 05-42 and All Subsequent Amendments to Date	fees and charges. Staff reviewed the schedule and proposed a few new fees and changes to specific existing fees. A summary of the proposed fee changes was contained in the Agenda Item Summary on file in the City Recorder's Office.	Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes

Agenda Item	Discussion & Comments	Action Items (follow up)
	It was noted that an increase of 3.5% by Clean Water Services was set for sanitary sewer service. The City will not share in any of the proposed increase. There was brief discussion on the proposed changes with some clarification to the proposal for limiting the fee for a paper copy of the Tigard Municipal Code Titles 1-18. The copy of Title 1-18 will be provided only on disk. There was a clarification that overdue DVD items in the Library are assessed at \$1.00 per day for each item. The sewer and water franchise fee will be considered	
	by Council in July. If approved, this fee will be added to the Fees and Charges Schedule. Mayor Dirksen advised that he was appreciative that the fees and charges are kept up to date. He advised that when he first came onto the City Council many of the fees and charges were not adequate. The goal is to have users support the services that they use.	
	Resolution No. 06-36 - A Resolution Adopting the Citywide Master Fees and Charges Schedule, Which Replaces Resolution No. 05-42 and All Subsequent Amendments to Date	
	Note: Agenda Item No. 11 was discussed earlier in the meeting.	
	Note: Agenda Item No. 12 was discussed earlier in the meeting.	
13. Non- Agenda Items	Councilor Woodruff announced that the Festival of Balloons will be held this coming Friday, Saturday and Sunday, June 16-18 at Cook Park. City Manager Prosser said that information is posted on the City's website. Gates open at 5:00 a.m.	
14. Adjournment	Meeting adjourned at 9:19 p.m.	Motion by Councilor Woodruff, seconded by Councilor Sherwood to adjourn the meeting. The motion was approved by unanimous vote of Council